

**To:** Averback, Jonathan[Averback.Jonathan@epa.gov]; Odendahl, Steve[Odendahl.Steve@epa.gov]  
**Cc:** Zenick, Elliott[Zenick.Elliott@epa.gov]  
**From:** Branning, Amy  
**Sent:** Fri 10/7/2016 5:33:08 PM  
**Subject:** FW: Need your review of OGC paper on HF authorities  
Oil and Gas Transition BM Edits 9-29 + OAP mw\_ahb.docx

We have been asked by our front office to update the attached document.

**Ex. 5 - Attorney Client**

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## Ex. 5 - Attorney Client

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

This message may contain sensitive, privileged information covered by the deliberative process, attorney-client and/or attorney work product privileges. If you believe you have received this e-mail in error, please notify me and delete the e-mail immediately.

**From:** Parikh, Pooja

**Sent:** Thursday, October 06, 2016 12:49 PM

**To:** Wills, Jennifer <Wills.Jennifer@epa.gov>; Andrews, Mary <Andrews.Mary@epa.gov>; Bove, James <Bove.James@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>

**Subject:** Need your review of OGC paper on HF authorities

Team Hydrofracking

I was asked to respond to the email inquiry highlighted in yellow below. The email is asking for an explanation of (1) EPA's authority to regulate hydraulic fracturing, and (2) what legal exemptions apply.

**Ex. 5 - Attorney Client**

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so I can respond to this person next week.

Thanks!

Pooja S. Parikh

Attorney- Advisor

U.S. Environmental Protection Agency

Office of General Counsel, Water Law Office

Phone: 202 564-0839

Email: [parikh.pooja@epa.gov](mailto:parikh.pooja@epa.gov)

-----Original Message-----

From: Dibble, Christine

Sent: Thursday, September 29, 2016 12:01 PM  
To: Parikh, Pooja <[Parikh.Pooja@epa.gov](mailto:Parikh.Pooja@epa.gov)>  
Subject: Q about fracking regs

Pooja, could you please respond to the person emailing below, or is there someone on your team who could respond?

If so, would you mind cc'ing me on the response? I'm curious about how to respond best to this.

Thanks,

Christine Dibble

Senior Web Content Strategist

Office of Web Communications

U.S. Environmental Protection Agency

Mail Code 1701A

Washington, D.C. 20460

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Ph: 202-564-9147

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-----Original Message-----

From: [drupal\\_admin@epa.gov](mailto:drupal_admin@epa.gov) [[mailto:drupal\\_admin@epa.gov](mailto:drupal_admin@epa.gov)]

Sent: Thursday, September 29, 2016 10:00 AM

To: Maloney, Kelsey <[Maloney.Kelsey@epa.gov](mailto:Maloney.Kelsey@epa.gov)>

Subject: Form submission from: EPA's Study of Hydraulic Fracturing and Its Potential Impact on Drinking Water Resources Contact Us about EPA's Hydraulic Fracturing Study form

Submitted on 09/29/2016 9:59AM

Submitted values are:

Name: Ex. 6 - Personal Privacy

Email: Ex. 6 - Personal Privacy@gmail.com

Comments: Hello, I would like to understand the position of EPA regarding your authority to regulate hydraulic fracturing and what legal exemptions apply. While I understand the SDWA exemption in the National Energy Policy Act (2005), it is less clear to me what other exemptions may apply. If you can give me an idea of how EPA considers fracking under the CAA, CWA, CERCLA, RCRA etc., I'd appreciate it, as there is a lot of conflicting information on this topic. Thank you for your assistance.

Web Area: EPA's Study of Hydraulic Fracturing and Its Potential Impact on Drinking Water Resources